

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MARIA DALBOTTON,

Plaintiff,

v.

C. R. BARD, INC. and BARD  
PERIPHERAL VASCULAR, INC.,

Defendants.

Case No. 1:20-cv-00034-SPW

**CASE MANAGEMENT ORDER**

The Court held a Final Pretrial Conference on February 17, 2023. (Doc. 324). In addition to the transcript of the record of the hearing, the Court memorializes its rulings in this Order.

1. The Parties shall file the exhibits related to paragraphs 12 and 13 of the Final Pretrial Order no later than Thursday, February 23, 2023.
2. The Court and the parties decided that no fewer than 29 jurors will be called to court on February 27, 2023. Each of these jurors has completed the questionnaire and does not qualify for a hardship exception. More jurors will be called if necessary. Initially, 18 jurors will be called forward into the well to participate in voir dire. Each side shall have three peremptory challenges a piece. Each side will get an additional peremptory challenge for each additional three jurors. The trial jury shall consist of eight (8)

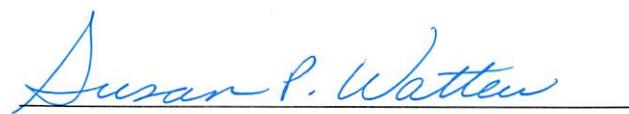
members: six (6) jurors and two (2) alternates. The alternates will be chosen by random selection at the conclusion of the closing arguments.

3. Upon the agreement of the parties, the Court shall read to the voir dire participants at the outset either a short statement of the case as agreed to by the parties or the agreed facts from the pretrial order, if no agreement is reached.
4. Each party shall have sixty (60) minutes to conduct voir dire. Opening statements will be limited to forty-five (45) minutes. Plaintiff will have thirty-seven (37) hours to present her case, including cross-examination of Defendants' witnesses, and Defendants shall have thirty-five (35) hours to present their case, including cross-examination of Plaintiff's witnesses. This limit does not include voir dire; it does include opening statements and closing arguments. Closing arguments shall be limited to ninety (90) minutes for Plaintiff, consisting of both argument and rebuttal, and sixty (60) minutes for Defendants jointly. The trial shall occur Monday through Friday of the given week, with recesses as needed. Counsel, parties, and the Court shall convene outside the presence of the jury at 8:30 a.m. each morning. Trial will commence at 9:00 a.m.
5. Further deposition designations shall be made seventy-two (72) hours in advance of the anticipated presentation of that witness to provide the Court

and the parties sufficient time to object and rule on the objections and prepare the record of the deposition accordingly.

6. Witness sheets need not include the number of other depositions or testimony given in related cases, given the Court's prior rulings excluding evidence of other related trials.
7. For Defense witnesses which Plaintiff was not able to exercise subpoena power to compel testimony, Plaintiff shall be permitted to exceed the scope of the direct examination to ask those witnesses all that they would be allowed to ask if Plaintiff were able to call them during her case-in-chief.

DATED this 21<sup>st</sup> day of February, 2023.

  
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SUSAN P. WATTERS  
United States District Judge